

The Commission, referred to in text, is the National Capital Planning Commission created by section 71a of this title.

TRANSFER OF FUNCTIONS

Functions of National Capital Park Commission and Highway Commission of District of Columbia transferred to National Capital Park and Planning Commission by act Apr. 30, 1926, ch. 198, 44 Stat. 376.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72, 72a of this title.

§ 71i. Authorization of appropriations to carry out sections 71 to 71i

There are authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and in any appropriate appropriation Act other than the annual District of Columbia Appropriation Act, such sums as may be necessary to carry out the provisions of sections 71 to 71i of this title, any existing provisions of law to the contrary notwithstanding.

(June 6, 1924, ch. 270, § 10, as added July 19, 1952, ch. 949, § 1, 66 Stat. 791.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 72, 72a of this title.

§ 72. Acquisition of land by Commission

Said Commission or a majority thereof is authorized and directed to acquire such lands as in its judgment shall be necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia, within the limits of the appropriations made for such purposes, for suitable development of the National Capital park, parkway, and playground system. Said Commission is authorized to acquire such lands by purchase when they can be acquired at prices reasonable in the judgment of said Commission, otherwise by condemnation proceedings, such proceedings to acquire lands within the District of Columbia to be in accordance with the provisions of the Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), the Chief of Engineers of the Army being, for the purposes of sections 71 to 71i, 72, 73 and 74 of this title, clothed with all the power vested by the said act of August 30, 1890, in the board created. Said Commission is authorized to acquire such lands, located in Maryland or Virginia, either by purchase or condemnation proceedings, by such arrangements as to acquisition and payment for the lands as it shall determine upon by agreement with the proper officials of the States of Maryland and Virginia. In the selection of lands to be acquired the advice of the Commission of Fine Arts shall be requested. The designation of all lands to be acquired by condemnation, all contracts for purchase of lands, and all agreements between said Commission and the officials of the States of Maryland and Virginia shall be subject to the approval of the President of the United States.

(June 6, 1924, ch. 270, § 11, formerly § 2, 43 Stat. 463; renumbered § 11, July 19, 1952, ch. 949, § 2, 66 Stat. 791.)

REFERENCES IN TEXT

The Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), referred to in text, is act Aug. 30, 1890, ch. 837, 26 Stat. 412, which enacted section 120 of this title, section 861a of former Title 10, Army and Air Force, section 446 of Title 16, Conservation, sections 497, 601 and 651 of former Title 31, Money and Finance, section 887 of Title 33, Navigation and Navigable Waters, and sections 212, 662 and 945 of Title 43, Public Lands, and amended section 321 of Title 43. Former Titles 10 and 31 were revised generally by act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1, and Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 877, respectively. For disposition of sections of former titles, see Table I—Revised Titles. For complete classification of this Act to the Code, see Tables.

Section 2 of act August 30, 1890, referred to in text, created a board consisting of the Secretary of the Treasury, the Public Printer, and the Architect of the Capitol to acquire land for the accommodation of the Government Printing Office and the construction of needed storage and distributing warehouses in connection therewith. Section 3 of such act authorized the board to acquire the land by negotiation at a price not above a fair relative value as to other lands which had been sold in the immediate vicinity; or if the board were unable to purchase said land by agreement with any one or more of the respective owners at a reasonable price within sixty days after the passage of the act, it was authorized to "make application to the Supreme Court of the District of Columbia [now the United States District Court for the District of Columbia], at any general or special term thereof, by petition for the condemnation of such land not so purchased, and for the ascertainment of its value. Such petition shall contain a particular description of the property not so purchased, and selected for the purpose aforesaid, with the name of the owner or owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court at a time to be fixed by such court, on reasonable notice, to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability the court shall give public notice of the time at which the said court will proceed with the matter of condemnation; and at such time if it shall appear that there are any persons under disability either who have appeared or who have not appeared, the court shall appoint guardians ad litem for each such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as to the court shall seem meet. Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest who may appear before them, and return their appraisal of the value of the interests of all persons, respectively, in such land; and in case any of the persons entitled according to the judgment of the court are under disability, or can not be found, or neglect to receive payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there shall be some person lawfully authorized to receive the same under the direction of the court, and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use." These provisions were never executed and the appropriation therefor was suspended by act Mar. 3, 1891, ch. 542, 26 Stat. 989.

However, the provisions of section 3 of the act of Aug. 30, 1890, referred to and partly quoted above, with re-

spect to condemnation proceeding, were rendered general and permanent by a provision of the end of that section which read as follows:

“And hereafter, in all cases of the taking of property in the District of Columbia for public use, whether herein, heretofore, or hereafter authorized, the foregoing provisions, as it respects the application by the proper officer to the supreme court of the District of Columbia [see above for change in name] and the proceedings therein shall be as in the foregoing provisions declared”. In view of this provision, section 3, reworded at the beginning thereof to incorporate it, was classified to former section 120 of this title. Former section 120 was superseded in effect by act Mar. 1, 1929, ch. 416, 45 Stat. 1415, which was formerly classified to section 361 et seq. of this title.

TRANSFER OF FUNCTIONS

“Commission”, as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

DELEGATION OF FUNCTIONS

Authority of President under last sentence of this section to approve (i) designation of lands to be acquired by condemnation, (ii) contracts for purchase of lands, and (iii) agreements between National Capital Planning Commission and officials of States of Maryland and Virginia delegated to Director of Office of Management and Budget, see section 9(4) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72a, 74 of this title.

§ 72a. Acquisition of land by Commission subject to limited rights reserved to grantor; acquisition of limited permanent rights in land adjoining park property

The authority of the National Capital Planning Commission, established by section 71 of this title, is enlarged as follows:

Said Commission is authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of sections 71 to 71i, 72, 73, and 74 of this title, (1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor: *Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That in the opinion of said Commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided*, That in the opinion of said Commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further*, That all contracts for acquisition of land subject to such limited rights reserved to

the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States.

(Dec. 22, 1928, ch. 48, §1, 45 Stat. 1070; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790.)

REFERENCES IN TEXT

Former provisions of section 71 of this title, referred to in text, established the National Capital Park and Planning Commission, to which such clause originally referred. For transfer of functions, powers, etc., of that Commission to the National Capital Planning Commission, see Transfer of Functions note set out below, and for creation of the latter Commission, see section 71a of this title.

TRANSFER OF FUNCTIONS

In opening clause, “National Capital Planning Commission” substituted for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

DELEGATION OF FUNCTIONS

Authority of President under this section to approve contracts for acquisition of land subject to limited rights reserved to grantor and for acquisition of limited permanent rights in land adjoining park property delegated to Director of Office of Management and Budget, see section 9(5) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 72b. Lease of lands acquired for park, parkway, or playground purposes

The Director of Public Buildings and Public Parks of the National Capital is authorized, subject to the approval of the National Capital Planning Commission, to lease, for a term not exceeding five years, and to renew such lease, subject to such approval, for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the director shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

(Dec. 22, 1928, ch. 48, §2, 45 Stat. 1070; June 6, 1924, ch. 279, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790.)

TRANSFER OF FUNCTIONS

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

The office of Public Buildings and Public Parks of the National Capital was abolished and its functions transferred to the Office of National Parks, Buildings and Reservations of the Department of the Interior by section 2 of Executive Order No. 6166, effective June 10, 1933. The name of that office was changed to “National Park Service” by section 1 of the Act of March 2, 1934 (ch. 38, 48 Stat. 389). For further details, see Transfer of Functions note set out under section 19 of this title.

§ 72c. Power to sell lands

The Mayor of the District of Columbia, with the approval of the National Capital Planning Commission, is authorized and empowered in his